

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7305**

**BILL NUMBER:** HB 1899

**NOTE PREPARED:** Jan 20, 2003

**BILL AMENDED:**

**SUBJECT:** Bail and Bail Procedure.

**FIRST AUTHOR:** Rep. Frizzell

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**     **GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill has the following provisions:

(A) It specifies that a bail bond may be written only by an insurer.

(B) It provides that if a defendant is charged with a misdemeanor and is a resident of Indiana, the court may require the defendant to execute a bail bond by depositing cash or securities in an amount not less than 10% of the bail.

(C) It provides that if a defendant is charged with a felony or is not a resident of Indiana, the court may require the defendant to: (1) execute a bond secured by real estate; or (2) execute a bail bond by depositing cash or securities in an amount not less than 25% of the bail.

(D) It requires a defendant admitted to bail to pay a \$20 fee.

(E) It requires: (1) 50% of the fees to be deposited in a county's supplemental public defender services fund; and (2) 50% of the fees to be deposited in a county's general fund and credited to a county jail improvement account.

(F) It allows a county to use money in the account only for the operation, construction, repair, remodeling, and enlarging of a county jail.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Provision B and C:* This provision could increase the revenue that the

county collects if the clerk may retain a larger amount of the deposit to pay for fines, costs fees, and restitution.

Under current law, the court may set bail for a person accused of either misdemeanors or most felonies and allow this person to deposit cash or securities for 10% of the bail that has been set with the clerk of the court. If the person is found not guilty, then the court may charge a \$50 administrative fee. If the person is convicted, the court may retain all or a portion of the cash or securities to pay all of the fines. The clerk is also required to retain from the deposit any additional amounts to pay for fines, fees restitutions, and publicly paid costs of legal representation.

This bill would restrict the 10% deposit to defendants charged with a misdemeanor who are residents of Indiana. If the person is charged with a felony or is not a resident of Indiana, the person would either have to execute a real estate bond or a bail bond with the clerk of the court in an amount not less than 25% of the bail. The larger deposit would result in larger amounts retained by the clerk as bond administration fees.

The following shows the collections from the Bond Administration Fees for the past five calendar years:

<b>CY</b>	<b>Trial Courts</b>	<b>City and Town Courts</b>	<b>Total Revenue Collected</b>
1997	\$819,207	\$150,011	\$969,218
1998	\$1,018,571	\$167,152	\$1,185,723
1999	\$983,253	\$109,499	\$1,092,752
2000	\$1,133,952	\$144,573	\$1,278,525
2001	\$1,212,065	\$250,838	\$1,462,903

*Provision D and E:* The \$20 fee that would be collected by the courts will depend on the number of bail bonds that are posted with the clerks. There are no published figures on the number of bail bonds that are posted in a year. Proceeds from this fee would be split between the supplemental public defender services fund and a separate account in the county general fund for jail improvements.

*Restrictions on Cash Deposit With Clerk:* Defendants who are currently released from custody from any jurisdiction on any charge, who failed to appear in court within the preceding five years or who have been convicted of a felony in the previous five years, would not be permitted to deposit money with the clerk of the court. They would be restricted to using a bail bond agent in order to secure pretrial release. If these defendants fail to appear in court, a Late Surrender Fee (based on a percentage of the value of the bond) is assessed against the bondsman. Half of the revenue from the Late Surrender Fee is deposited in the Police Pension Trust Fund, and the other half is deposited in a County Extradition Fund. This bill potentially increases revenue to the Late Surrender Fee if more criminal defendants use a bail bondsman and fail to appear in court due to the potential increase in number of bail bonds issued.

Local governments reported receiving the following amounts from the Late Surrender Fee between CY 1997 and CY 2001.

<b>CY</b>	<b>Trial Courts</b>	<b>City and Town Courts</b>	<b>Total Revenue Collected</b>
1997	\$804,525	\$2,640	\$807,165
1998	\$739,321	\$10,528	\$749,849
1999	\$820,023	\$11,665	\$831,688
2000	\$1,041,349	\$16,568	\$1,057,917
2001	\$588,100	\$128,923	\$717,023

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, county jails.

**Information Sources:** Indiana Judicial Service Reports, 1997 through 2001.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852